

DNAG-230 (10112689)

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JUL 15 2005

Applicant(s) : Hadler, et al.
Serial No: : 10/018,876
Filed : June 13, 2002
For : PARTIAL FRAGMENTATION PROJECTILE WITH PENETRATOR
IN THE PROJECTILE'S NOSE
Art Unit : 3644
Examiner : S. C. Alimenti

July 15, 2005

Commissioner for Patents
P.O. Box 1450
Alexandria, VA. 22313-1450

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Eileen Sheffield
Eileen Sheffield Date 7/15/05

RESPONSE TO RESTRICTION REQUIREMENT

Sirs:

Responsive to the species election mailed June 21, 2005, Applicants elect to prosecute the species of Species A and Figure 6, with traverse. The corresponding claims are believed to be 47-58, 61-71, 73-80 and 82-83.

The Examiner has issued this requirement at a late stage of prosecution. The Examiner bases the election requirement on the allegation that "there is no common special technical feature" because the inventive concept set forth in claims 47 and 69 allegedly does not define over U.S. Patent No. 1,134,797. However, this patent was of record previously and no such requirement was made. The US application is a nationalized PCT application. The PCT application was not challenged for non-uniformity. With the claims submitted during the corresponding international preliminary examination, both the novelty and the inventive activity of the invention were acknowledged. A European patent has already been granted.

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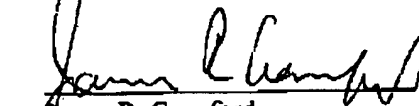
Also, the requirement is not alleged to be based on the finding that the allegedly species appear in different sub-classes of the official classification, that they are recognized separately in the art in question or that further searches are necessary for each species.

In sum, it is not believed that it would be an undue burden for the Examiner to examine all species at one time.

If any fees are due to enter this response or to otherwise maintain pendency of this application, authorization is given to charge such fees to deposit amount no. 50-0624.

Respectfully submitted,

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